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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,388	07/29/2003	Kouichi Tanimoto	500.42984X00	3951
24956 7590 04/23/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
			EXAMINER PEARSON, DAVID J	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 04/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MATTINGLY, STANGER
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10628388	7/29/2003	TANIMOTO ET AL.	500.42984X00

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

DAVID J. PEARSON

ART UNIT	PAPER
2137	20080226

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. Notice of an Improper Request for Continued Examination (RCE)

An RCE was filed on 01/02/2008. However, the RCE is improper because it lacks an appropriate submission. Applicant has attempted to incorporate an Amendment filed on July 27, 2007 by reference. The Amendment dated July 27, 2007 was in response to the Non-Final Rejection mailed March 27, 2007. A proper RCE submission must be a reply to the final rejection (note MPEP 706.07(h) II. Submission Requirement). The Final Rejection dated October 02, 2007 contained new ground(s) of rejection that were necessitated by the July 27, 2007 Amendment. Therefore, the July 27, 2007 can not be a proper reply to the Final Rejection.

2. Suspension of Action

The Office does not recognize the Request for Suspension of Action when the request is filed with an Improper RCE (note MPEP 709 I. B. 3. Improper RCE or CPA (No Filing Date Granted)). The action by the Office will not be suspended and the time period set in the final Office Action mailed October 02, 2007 continues to run. If applicant subsequently files another RCE, the request for suspension should be resubmitted to ensure that the Office processes the request for suspension properly. The request for suspension of action will not be processed until the Office accords a filing date to the CPA or receives a proper RCE in compliance with 37 CFR 1.114.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PEARSON whose telephone number is (571)272-0711. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJP

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137